

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

GERALD R. MOLLOHAN, et al.,

Plaintiffs,

v.

CIVIL ACTION NO. 2:13-cv-32251

DONALD PRICE, et al.,

Defendants.

ORDER

Pending before the Court are five premature motions filed by Plaintiff Gerald Mollohan and/or Counterclaim Defendant Frank J. Visconi (the “Motions”): (1) motion (a) for leave to file supplementary pleading and (b) to cancel Defendants’ bylaws or in the alternative to dissolve Defendants’ corporation and bylaws, (ECF No. 112); (2) motion to find that Defendants have violated 18 U.S.C. § 241, (ECF No. 113); (3) motion to find Defendant in violation of collusive fraud practices, (ECF No. 199); (4) motion for tortious interference by Defendants with Plaintiffs’ business relations, (ECF No. 216); and (5) motion to cancel Defendants’ bylaws and dissolve various aspects of Defendants’ business organization, (ECF No. 244). On December 16, 2013, this action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings and recommendations for disposition. (ECF No. 4.) Magistrate Judge Tinsley filed a PF&R on August 26, 2016, (ECF No. 278), recommending that this Court deny the Motions without prejudice.

This Court is required to “make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made.” 28 U.S.C. § 636(b)(1). However, the Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings and recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). In addition, the Court need not conduct a de novo review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982).

Plaintiffs timely filed objections on September 12, 2016. (ECF No. 284.) However, Plaintiffs’ objections are not responsive to the PF&R. Instead, they represent yet another premature and improper attempt to advocate for the substantive claims for relief contained in Plaintiffs’ amended complaint. To the extent the objections relate to the PF&R at all, Plaintiffs at best make only “general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano*, 687 F.2d at 47. Accordingly, the Court **ADOPTS** the PF&R, (ECF No. 278), **OVERRULES** Plaintiffs’ objections, (ECF No. 284), and **DENIES WITHOUT PREJUDICE** the Motions, (ECF Nos. 112, 113, 199, 216, and 244). The Court leaves this matter referred to Magistrate Judge Tinsley for additional proceedings concerning Plaintiffs’ remaining claims.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: September 19, 2016

A handwritten signature in blue ink, appearing to read 'Th. Johnston', is written over a horizontal line.

THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE